



Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle  
Governor

Frank J. Busalacchi  
Secretary

Office of General Counsel  
4802 Sheboygan Ave., Rm. 115B  
P O Box 7910  
Madison, WI 53707-7910

Telephone: 608-266-8810  
FAX: 608-267-6734  
E-mail: ogc.exec@dot.state.wi.us

January 19, 2005

Mr. Vernon A. Williams, Secretary  
Office of the Secretary  
Surface Transportation Board, Room 1324  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



RE: **STB Docket No. AB-33 (Sub-No. 190X)** Union Pacific Railroad Company--  
Abandonment Exemption--In Dunn County, WI -- Motion for Extension of Time to  
Reach Agreement on a Notice of Interim Trail Use

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the City of Menomonie's  
Motion for Extension of Time to Reach Agreement on a Notice of Interim Trail Use.

Please date stamp and return the duplicate copy of this transmittal letter in the  
prepaid, return mail envelope for verification of receipt. Thank you.

Sincerely,

  
Allyn Lepeska  
Attorney

ENTERED  
Office of Proceedings

JAN 21 2005

Part of  
Public Record

Enclosures

pc: Vicki Schaefer  
Mack H. Shumate, Jr. (via fax 312-777-2065)  
Bert D. Petersen  
Lowell Prange  
Ronald Schroeder

**FILING FEE WAIVED**

BEFORE THE  
SURFACE TRANSPORTATION BOARD



**AB-33 (SUB-NO. 190X)**

UNION PACIFIC RAILROAD COMPANY -- ABANDONMENT EXEMPTION --  
IN DUNN COUNTY, WISCONSIN

CITY OF MENOMONIE WISCONSIN  
PETITION FOR EXTENSION OF  
NOTICE OF INTERIM TRAIL USE

ENTERED  
Office of Proceedings  
JAN 21, 2005  
Part of  
Public Record

**BACKGROUND**

On December 23, 2002, the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 C.F.R 1152, Subpart F – Exempt Abandonments and Discontinuances of Service and Trackage Rights, for exempt abandonment of the Menomonie Industrial Lead from milepost 0.90 near Stout Oak Street to milepost 2.90 near 12<sup>th</sup> Avenue West, a distance of 2.00 miles in Dunn County, Wisconsin, (the “Line”). The Line traverses U.S. Postal Service ZIP code 54751.

On January 6, 2003, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which

**FILING FEE WAIVED**

was served on February 7, 2003, allowing the City until August 6, 2003 to negotiate a rail banking agreement with UP.

On August 11, 2003, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for an extension of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on August 15, 2003, allowing the City until February 2, 2004 to negotiate a rail banking agreement with UP.

On January 9, 2004, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for an extension of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on January 23, 2004, allowing the City until July 31, 2004 to negotiate a rail banking agreement with UP.

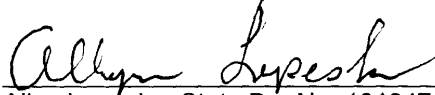
On July 21, 2004, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for an extension of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on July 30, 2004, allowing the City until January 27, 2005 to negotiate a rail banking agreement with UP.

The City and UP have had initial discussions, had some initial concerns but are now willing to continue discussions. The abandonment has not been consummated.

### MOTION

Therefore, WisDOT respectfully requests that the Board extend the period prescribed to negotiate an interim trail use/rail banking agreement for an additional 180 days for the land corridor and related real property, including bridge structures, on a line of railroad known as the Menomonie Industrial Lead from milepost 0.90 near Stout Oak Street to milepost 2.90 near 12<sup>th</sup> Avenue West, a distance of 2.00 miles in Dunn County, Wisconsin, for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 to the City of Menomonie.

Respectfully submitted this 19th day of January, 2005,



Allyn Lepeska, State Bar No. 1013474  
Wisconsin Department of Transportation  
4802 Sheboygan Avenue, Room 115-B  
P. O. Box 7910  
Madison, WI 53707-7910  
(608) 266-0253  
Attorney for Wisconsin Department of  
Transportation